

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Sep 22, 2021

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF WASHINGTON

KATHY ANN SCOTT, o.b.o., JONI H.,
deceased,

Plaintiff,

v.

KILOLO KIJAKAZI, ACTING
COMMISSIONER OF SOCIAL
SECURITY,¹

Defendant.

No. 2:20-CV-0430-JTR

ORDER GRANTING MOTION FOR
SUBSTITUTION OF PARTY

BEFORE THE COURT is Plaintiff's counsel's motion for substitution of party pursuant to FED. R. CIV. P. 25(a). ECF No. 19. Counsel requests that the Court substitute Kathy Ann Scott as the plaintiff in this action in place of her deceased daughter, Joni H., the currently named plaintiff. ECF No. 19.

Plaintiff filed this disability appeal case on November 23, 2020. ECF No. 1. The declaration of Kathy Ann Scott indicates Joni H. died in a house fire on August 22, 2021. ECF No. 19-1 ¶ 6. If a claimant dies before receiving disability benefits to which he or she is entitled, Social Security distributes underpayment to

¹Kilolo Kijakazi became the Acting Commissioner of Social Security on July 9, 2021. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Kilolo Kijakazi is substituted for Andrew M. Saul as the defendant in this suit. No further action need be taken to continue this suit. *See* 42 U.S.C. § 405(g).

1 persons by order of priority. The order of priority flows first to claimant's
2 surviving spouse, then to claimant's surviving child or children, and then to
3 claimant's surviving parent or parents. 20 C.F.R. § 404.503(b); *see also* Wash.
4 Rev. Code 11.04.015. Kathy Ann Scott is the surviving mother of Joni H. ECF
5 No. 19-1 ¶ 2.

6 A review of Plaintiff's counsel's motion, ECF No. 19, and the declaration of
7 Kathy Ann Scott, ECF No. 19-1, reflects Joni H.'s spouse and only child died on
8 the same date as Joni H. and Ms. Scott is a surviving parent. Ms. Scott is thus
9 qualified to be substituted as the real party in interest in this matter. *See* 20 C.F.R.
10 § 404.503(b), (d); Wash. Rev. Code 11.04.015.

11 Based on the foregoing, Plaintiff's counsel's Motion for Substitution of
12 Party, **ECF No. 19**, is **GRANTED**. All future pleading shall reflect the plaintiff of
13 this case as follows: **KATHY ANN SCOTT, o.b.o., JONI H., deceased**.

14 **IT IS SO ORDERED**. The Clerk of the Court is directed to enter this
15 order, furnish copies to counsel, and **AMEND** the docket to reflect Plaintiff as
16 KATHY ANN SCOTT, o.b.o., JONI H., deceased.

17 DATED September 22, 2021.



A handwritten signature in black ink, appearing to be "M", is written over a horizontal line.

JOHN T. RODGERS
UNITED STATES MAGISTRATE JUDGE